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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/822,659	04/13/2004	Tetsuya Miyahara	107355-00113	3143

7590 11/02/2005

ARENT FOX KINTNER PLOTKIN & KAHN, PLLC  
Suite 400  
1050 Connecticut Avenue, N.W.  
Washington, DC 20036-5339

EXAMINER

NGUYEN, XUAN LAN T

ART UNIT PAPER NUMBER

3683

DATE MAILED: 11/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/822,659	<b>Applicant(s)</b> MIYAHARA, TETSUYA	
	<b>Examiner</b> Lan Nguyen	<b>Art Unit</b> 3683	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 July 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 April 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Drawings***

1. Figures 7A, 7B, 8A and 8B should be designated by a legend such as --Prior Art- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miyamoto in view of Sprang et al., and further in view of Admitted Prior Art in page 1 of the specification.

Re: claims 1 and 2, Miyamoto shows a liquid sealed mount device, as in the present invention, comprising: a first mounting member 7, 9; a second mounting

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member 5; an elastic material 10 wherein the elastic material is rubber, bridging the gap between the first mounting member and the second mounting member; a diaphragm 12 for forming a liquid chamber sealing the liquid together with the elastic material; a partition wall 24 for partitioning the liquid chamber into two liquid chambers, as shown; and an orifice 28 provided in the partition wall for communicating the two liquid chambers; wherein the elastic material is vulcanized and bonded integrally with and directly contacts the first mounting member for caulking and fixing the diaphragm; and wherein the second mounting member is formed on the outer circumference of the elastic material, as shown, in which a seal is provided between a metallic barrel member 3 and the diaphragm 12 by caulking the peripheral edge part of the diaphragm with the metallic barrel member, as shown. Miyamoto's device lacks the resin material formed by injection molding for the second mounting member. Admitted Prior Art on page 1 of the instant application shows that injection molding a resin material onto a rubber for a damping device is old and well-known in order to reduce the weight of the device. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have employed resin as a material for the second mounting member of Miyamoto's device as taught by the Admitted Prior Art in order to reduce the weight of the device. Miyamoto's device also lacks the rubber being directly contacting the metallic barrel member. Sprang et al. teach the concept of a mount device wherein the rubber 5 is vulcanized and bonded integrally with and directly contacts the first mounting 6 and the metallic barrel member 2 in order to provide a good seal. It would have been obvious to one of ordinary skill in the art at the time the invention was made

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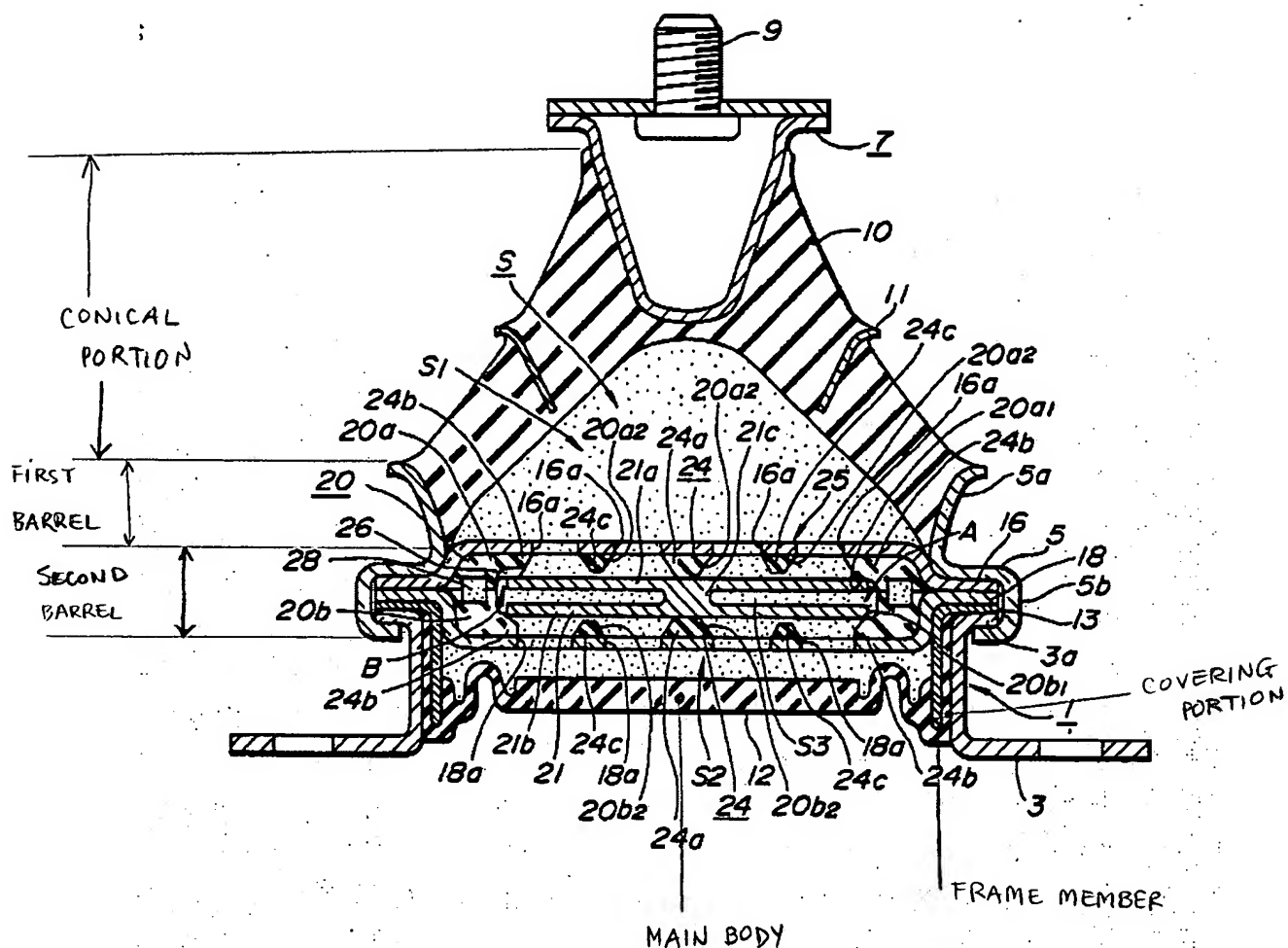
to have further modified Miyamoto's device to comprise the rubber to be vulcanized and bonded integrally with and directly contacts the first mounting and the metallic barrel member in order to provide a good seal as taught by Sprang et al.

Re: claim 3, please see the marked up figure below. Note that as modified by Sprang, Miyamoto's rubber would be extending to the second barrel portion.

Re: claim 4, Miyamoto shows the second mounting member 5 supporting the partition wall 24.

Re: claims 5 and 6, Miyamoto shows the diaphragm 12 comprises a frame member, a main body bonded to a first surface of the frame member, and a covering portion bonded to a second surface of the frame member wherein the covering portion defines a seal member which directly engages the metallic barrel member and the second surface of the frame member, as marked below.

Re: claims 7 and 8, Miyamoto shows the partition wall comprises a main body encompassing a membrane 21 wherein the membrane of the partition wall closes a through the hole 16 defined in the main body of the partition wall and absorbs variations in liquid pressure within one of the two liquid chambers.



### Response to Arguments

4. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

### Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Hein et al. and Meyer are cited for mount devices with a rubber

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directly contacting a first mounting member and a metallic barrel member to provide a good seal.

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lan Nguyen whose telephone number is (571) 272-7121. The examiner can normally be reached on M-F, 8 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James McClellan can be reached on (571) 272-6786. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Lan Nguyen  
Primary Examiner  
Art Unit 3683

 10/26/05